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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>Application Number</b>	09/721,456		
	<b>Filing Date</b>	November 22, 2000	
	<b>First Named Inventor</b>	Cech, Thomas, et. al.	
	<b>Group Art Unit</b>	1651	
<b>Examiner Name</b>			
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	15389002615

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Petition for Corrected Filing Date Under 37 CFR 1.10(c)</b>
<b>Remarks</b>		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

<b>Firm and Individual name</b>	Townsend and Townsend and Crew LLP Scott L. Ausenhus	<b>Reg No.</b> 42,271
<b>Signature</b>		
<b>Date</b>	6-1-01	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>June 1, 2001</u>			
<b>Typed or printed name</b>	Maisie C. Livengood		
<b>Signature</b>		<b>Date</b>	June 1, 2001

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DE 7041214 v1

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## OIP FEE TRANSMITTAL

for FY 2001

Applicant fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 130

## Complete if Known

Application Number 09/721,456

Filing Date November 22, 2000

First Named Inventor Cech, Thomas, et. al.

Examiner Name

Group Art Unit 1651

Attorney Docket No. 15389002615

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## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$ )

## 2. EXTRA CLAIM FEES

Total Claims		-20**	=		X		=	
Independent Claims		-3**	=		X		=	
Multiple Dependent					X		=	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ )130

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)

Scott L. Aussenhus

Registration No. (Attorney/Agent)

42,271

Telephone

303-571-4000

Signature

Scott Aussenhus

Date

6-1-01

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PATENT  
Attorney Docket No.: 15389-002615US  
Client Reference No.: 018/211C

Assistant Commissioner for Patents  
Attn: Box Missing Parts  
Washington, D.C. 20231

On June 1, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Maisie C. Livengood  
Maisie C. Livengood

09/721456 1571235  
00000001 201430 09721456  
30.00 CH

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cech et al.

Application No.: 09/721,456

Filed: November 22, 2000

For: HUMAN TELOMERASE  
CATALYTIC SUBUNIT

Examiner:

Art Unit: 1651

PETITION FOR CORRECTED FILING  
DATE UNDER 37 CFR 1.10(c)

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Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby petition for a correction of the filing date of the above-identified U.S. patent application from November 24, 2000 to November 22, 2000. In support of this Petition, Applicants state as follows:

1. This petition is being filed promptly after recognition that the application had been assigned an erroneous date (see date stamp on attached copy of the Official Filing Receipt).

2. As shown on the enclosed copy of the transmittal sheet which was submitted with the above-referenced application, the number of the "Express Mail" mailing label (Label No. EL265822434US) was placed on the papers submitted to the Patent Office.

06/11/2001 6TEFFER 00000081 201430 09721456

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130.00 CH

Application No.: 09/721,456  
Page 2

3. A true copy of the "Express Mail" mailing label showing the "date-in" of the application as recorded by the U.S. Postal Service is enclosed with this petition. As can be seen, both the transmittal letter and the "Express Mail" mailing label refer to "Express Mail" Label No. EL265822434US and the same attorney docket number, thereby confirming that the enclosed mailing label corresponds to the instant application. As can also be seen, both the Certificate of Mailing and the true copy of the mailing label show that the instant application was deposited with the U.S. Postal Service on November 22, 2000; whereas, the Official Filing Receipt incorrectly lists November 24, 2000 as the filing date. Thus, Applicants respectfully request that the instant application be accorded the filing date of November 22, 2000.

Pursuant to 37 CFR 1.17(i), Applicants authorize the Patent Office to charge Deposit Account 20-1430 for the \$130 petition fee (see attached Fee Transmittal). However, it is Applicants' understanding that if the filing date accorded by the Patent Office is found to be in error then this petition fee will be refunded to the above deposit account, and Applicants request that this be done if this petition is accepted.

Please contact the undersigned at (303)571-4000 if there are any questions concerning this matter.

Respectfully submitted,



Scott L. Aussenhus  
Reg. No. 42,271

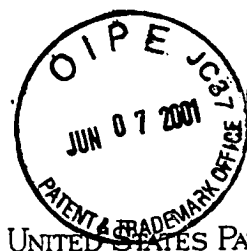
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415 576-0300  
SLA:mcl

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UNITED STATES PATENT AND TRADEMARK OFFICE

015389-002615US  
RTAppleCOMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/721,456	11/24/2000	1651	0.00	015389-002615US	118	20	3

CONFIRMATION NO. 6119

## FILING RECEIPT



\*OC000000005926839\*

William M Smith  
Townsend and Townsend and Crew LLP  
8th Floor  
Two Embarcadero Center  
San Francisco, CA 94111-3834

Date Mailed: 04/02/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Thomas R. Cech, Boulder, CO;  
Joachim Lingner, Epalinges, SWEDEN;  
Toru Nakamura, Boulder, CO;  
Karen Chapman, Sausalito, CA;  
Gregg B. Morin, Palo Alto, CA;  
Calvin B. Harley, Palo Alto, CA;  
William H. Andrews, Richmond, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 08/915,503 08/14/1997 ABN  
AND A CIP OF 08/912,951 08/14/1997  
AND A CIP OF 08/911,312 08/14/1997  
WHICH IS A CIP OF 08/854,050 05/09/1997  
WHICH IS A CIP OF 08/851,843 05/06/1997 PAT 6,093,809  
WHICH IS A CIP OF 08/846,017 04/25/1997 ABN  
WHICH IS A CIP OF 08/844,419 04/18/1997 ABN  
WHICH IS A CIP OF 08/724,643 10/01/1996 ABN

## Foreign Applications

PCT/US97/17885 10/01/1997  
PCT/US97/17618 10/01/1997

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If Required, Foreign Filing License Granted 04/02/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

Title

Human telomerase catalytic subunit

Preliminary Class

424

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Data entry by : SALEEKUL, SIRILUCK

Team : OIPE

Date: 04/02/2001



**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
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Customer No. 20350  
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San Francisco, California 94111-3834  
(415) 576-0200

**ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
Washington, D.C. 20231**

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is the  
[ ] patent application of  
[X] continuation patent application of 08/974,549  
[ ] divisional patent application of  
[ ] continuation-in-part patent application of

Inventor(s)/Applicant Identifier:

Thomas R. Cech, Joachim Lingner, Toru Nakamura, Karen B. Chapman, Gregg B. Morin, Calvin B. Harley and William Andrews.

For: HUMAN TELOMERASE CATALYTIC SUBUNIT

[X] This application claims priority from each of the following Application Nos./filing dates:  
08/915,503/August 14, 1997; 08/912,951/August 14, 1997; 08/911,312/August 14, 1997; 08/854,050/May 9, 1997;  
08/851,843/May 6, 1997; 08/846,017/April 25, 1997; 08/844,419/April 18, 1997; 08/724,643/October 1, 1996;  
PCT/US97/17885/October 1, 1997; PCT/US97/17618/October 1, 1997 and 08/974,549 filed November 19, 1997,  
the disclosure(s) of which is (are) incorporated by reference.

Enclosed are:

[X] 282 page(s) of specification  
[X] 3 page(s) of claims  
[X] 1 page of Abstract  
[X] 118 sheet(s) of [ ] formal [X] informal drawing(s)  
[X] 1 sheet(s) of Cover Page  
[X] A copy of signed Declaration & Power of Attorney  
[X] Return receipt postcard

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Telephone:  
(650) 326-2400

Facsimile:  
(415) 576-0300

Attorney Docket No. 015389-002615US

"Express Mail" Label No. EL265822434US

Date of Deposit: November 22, 2000

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, addressed to:

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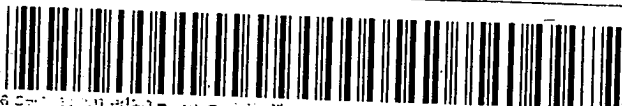
By: Ron Anton

Respectfully submitted,  
TOWNSEND and TOWNSEND and CREW LLP

Randolph T. Apple  
Reg No.: 36,429  
Attorneys for Applicant

PA 3111770 v1

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Please stamp your date of receipt of the following documents and return to addressee:

Applicant: Thomas R. CECH *et al.*  
Title: HUMAN TELOMERASE CATALYTIC SUBUNIT  
Application No.: Applied for  
Filed: November 22, 2000

Certificate of Mailing: Express Mail No. EL265822434US

## Enclosed:

- Transmittal Letter (1 page)
- Specification, Claims and Abstract (286 pages)
- Informal Drawings (118 sheets)
- Copy of Signed Declaration and Power of Attorney (6 pages - in counterparts)

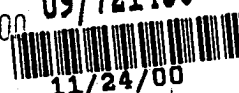
Date Mailed: November 22, 2000

Atty/Secty: RTA/k1j

File No.: 015389-002615US

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**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>6-18-01</u>		2 Serial/Patent # <u>09/721,456</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
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<input checked="" type="checkbox"/>	Petition	<u>2</u>	<u>6/7/01</u>	<u>\$ 130<sup>00</sup></u>
<input type="checkbox"/>	Issue			\$
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<input type="checkbox"/>	Maintenance			\$
<input type="checkbox"/>	Assignment			\$
<input type="checkbox"/>	Other			\$
		7 TOTAL AMOUNT OF REFUND		<u>\$ 130<sup>00</sup></u>
		8 TO BE REFUNDED BY:		
		Treasury Check		
		Credit Deposit A/C #:		
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<input type="checkbox"/>	Overpayment			
<input type="checkbox"/>	Duplicate Payment			
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
<u>unnecessary</u>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>WAL LAYMAN</u>		TITLE: <u>paralegal</u>		
SIGNATURE: <u>Wm Layman</u>		PHONE: _____		
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APPROVED: <u>Hiana Chase</u>		DATE: <u>6/20/01</u>		

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